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RESOLUTION NO. 09-112

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 8, MAIN 3, NORTHWEST INTERCEPTOR SEWER, (SOUTH OF 29TH ST. NORTH, WEST OF 119TH ST. WEST) 468-84594 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 8, MAIN 3, NORTHWEST INTERCEPTOR SEWER, (SOUTH OF 29TH ST. NORTH, WEST OF 119TH ST. WEST) 468-84594 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 8, Main 3, Northwest Interceptor Sewer, (south of 29th St. North, west of 119th St. West) 468-84594.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be One Hundred Seventy-Two Thousand Dollars (\$172,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after April 1, 2009 exclusive of the costs of temporary financing.

That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of existing sanitary sewer main, such benefit fee to be in the amount of Fifty-Nine Thousand Five Hundred Five Dollars (\$59,505).

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

ASHTON CREEK COMMERCIAL PARK ADDITION

Lots 1 through 12, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lot 1, Block A, ASHTON CREEK COMMERCIAL PARK ADDITION shall pay 57/1000 of the total cost of the improvements; Lots 2, 4 and 7, Block A, ASHTON

CREEK COMMERCIAL PARK ADDITION shall each pay 45/1000 of the total cost of the improvements; Lot 3, Block A, ASHTON CREEK COMMERCIAL PARK ADDITION shall pay 316/1000 of the total cost of the improvements; Lot 5, Block A, ASHTON CREEK COMMERCIAL PARK ADDITION shall pay 44/1000 of the total cost of the improvements; Lot 6, Block A, ASHTON CREEK COMMERCIAL PARK ADDITION shall pay 43/1000 of the total cost of the improvements; Lot 8, Block A, ASHTON CREEK COMMERCIAL PARK ADDITION shall pay 46/1000 of the total cost of the improvements; Lot 9, Block A, ASHTON CREEK COMMERCIAL PARK ADDITION shall pay 41/1000 of the total cost of the improvements; Lot 10, Block A, ASHTON CREEK COMMERCIAL PARK ADDITION shall pay 256/1000 of the total cost of the improvements; and Lots 11 and 12, Block A, ASHTON CREEK COMMERCIAL PARK ADDITION shall pay 31/1000 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 21st day of April, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)